

Remarks

Claims 1 and 3-17 are pending in the application. Claims 13-17 were withdrawn from consideration by the Examiner. Claim 2 has been canceled without prejudice or disclaimer. Claims 1 and 3-14 are rejected.

Claim objections

Withdrawal of the objection to the claims is respectfully requested in view of the above amendments.

Claim rejections

Section 112

Claims 4 and 12 were rejected under 35 USC 112, 2nd paragraph. Withdrawal of this rejection is respectfully requested in view of the amendments set forth above.

Section 102

Claims 1-13 were rejected under 35 USC 102(b) as being anticipated by EP 1 156 546 A1) (hereafter, "Ruff"). Claim 2 has been canceled. The Applicant respectfully traverses the rejection of remaining claims 1 and 3-13. Ruff cannot support the asserted rejection for at least the reason that Ruff does not disclose "a stacked cell unit including a plurality of stacked cells having separators; wherein the stacked cell unit has a stacked cell unit side surface *facing an internal manifold that is formed so as to pass through the separators, wherein at least one side surface of the internal manifold has a smooth surface*" (emphasis added) as recited in claim 1.

The Examiner cites a structure in FIG. 1 of Ruff, a "figure on the furthest right side" as corresponding to the claimed smooth surface. However, whatever surface of this "furthest right side" figure is being referred to, it is clear that it is not a surface of an internal manifold as claimed. Therefore, claim 1 and claims 3-13 dependent thereon are allowable over Ruff.

Further, as to claim 4 in particular, for example, Ruff clearly does not disclose at least one of the side surface of the manifold is formed in a taper shape as claimed. Additionally, as to claim 12 in particular, for example, Ruff clearly does not disclose a

sleeve as claimed. The Examiner alleges that component 60 of Ruff corresponds to the claimed sleeve. However, component 60 is a "tension member," not a sleeve.

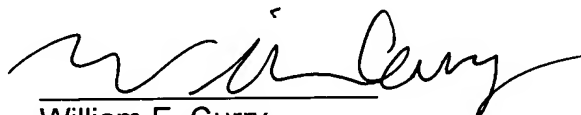
In view of the above, withdrawal of the asserted rejection is respectfully requested.

Conclusion

In light of the above discussion, Applicant respectfully submits that the present application is in all aspects in allowable condition, and earnestly solicits favorable reconsideration and early issuance of a Notice of Allowance.

The Examiner is invited to contact the undersigned at (202) 220-4323 to discuss any matter concerning this application. The Office is authorized to charge any fees related to this communication to Deposit Account No. 11-0600.

Respectfully submitted,

Dated: JUNE 16, 2008 By: 
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